

Notice of Allowability

Application No.

10/799,680

Examiner

Sara Addisu

Applicant(s)

HESSMAN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/6/06.
2. ☒ The allowed claim(s) is/are 1-16, 18, 19, 22, 24-29 and 31.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

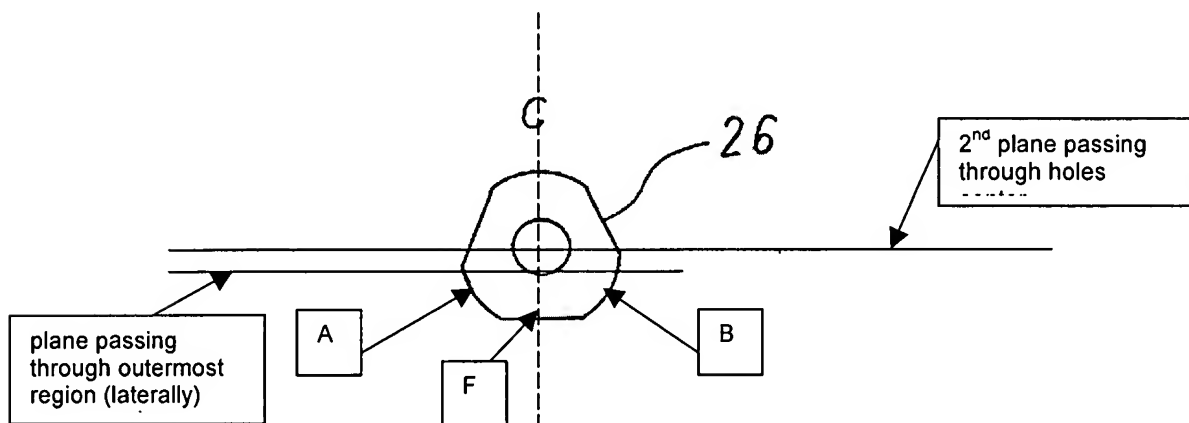
Allowable Subject Matter

Claims 1-16, 18, 19, 22, 24-29 and 31 are allowed.

Regarding claims 1, 16 and 31, DE 4244316 teaches a cutting insert (14) having a planar top side, a bottom side and a peripheral clearance surface extending between the top and bottom sides, and a through-hole for receiving a mounting screw. DE 4244316 teaches the recess of the tool holder matching the shape of the cutting insert (see abstract). DE 4244316 also teaches in figure 6c an insert having first and second spaced apart convexly arch-shaped cutting edges (A and B) spaced apart by a front edge (F) of the insert and disposed respectively on opposite sides of a symmetry plane which intersects the front edge (F) and passes through a center line of the hole (see figure 6c). The first and second cutting edges define a laterally outermost region of the insert spaced farthest from the plane and each laterally outermost region is spaced from a second plane (p2) passing through the hole's center perpendicularly to the symmetry plane in a direction toward the front edge (see figure below). Furthermore, DE 4244316 teaches the bottom side of the insert (14) including stabilizing structure (13 & 19: see figure 3 and abstract) arranged for preventing angular displacement of the insert about an axis of the hole. However, DE 4244316 fails to teach a tool body as claimed in Claim 1. Schlemmer et al. (US. Pub. No. 2002/0094245) teaches a tool body having a rearwardly extending mounting part (2) and a forwardly projecting bracket part (3) with a

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narrow neck and an enlarged support part (33) receiving an insert (4). As shown in figure 1, the support part extends laterally from the neck part such that it is arranged asymmetrically with respect to the tools centerline (A). The only reason for one to provide DE 4244316 's insert on Schlemmer et al.'s tool body would be hindsight reconstruction in order to reject a patent claim. There is no advantage in doing so.



The prior art of record DE 4244316 fails to anticipate or make obvious using the insert of DE 4244316's teaching in combination with the tool body of Schlemmer et al. (US. Pub. No. 2002/0094245), as claimed in Claim 1. DE 4244316 also fails to anticipate or make obvious first and second cutting edges converging toward one another in a direction away from a front edge of the insert as claimed in Claim 16. Furthermore, DE 4244316 also fails to anticipate or make obvious the first and second

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cutting edges comprising of plurality of edge parts having different radii as claimed in Claim 31.

Conclusion

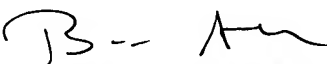
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SA
3/22/06


BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER